

STATE OF INDIANA—COUNTY OF HENRY
IN THE HENRY CIRCUIT AND SUPERIOR COURTS


**Notice of Proposed Amendment of Local Rule for Caseload Allocation
Plan for The Courts of Record of Henry County
June 1, 2008**

In accordance with Administrative Rule 1(E) of the Indiana Court Rules, the Henry Circuit and Superior Courts hereby give notice to the bar and the public that the Courts propose to amend the Local Rule setting forth the caseload allocation plan for the courts of record of Henry County, effective January 1, 2009. All new text is show by underlining and deleted text is shown by ~~striketrough~~. Local Rules for caseload allocation plans pursuant to Admin. R. 1(E) require Supreme Court approval and may not take effect until approved by the Supreme Court.

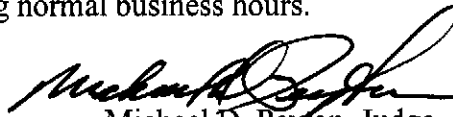
In accordance with Trial Rule 81(B), the time period for the bar and the public to comment shall begin on June 1, 2008, and shall close on June 30, 2008. The proposed amendments to the rule will be adopted, modified or rejected before July 31, 2008, and the final version of the rule will be submitted to the Indiana Supreme Court for review and approval not later than August 1, 2008.

Comments by the bar and the public should be made in writing and mailed to: Hon. Michael D. Peyton, Judge, Henry Superior Court 1, Attn: Public Comment on Local Rules, Justice Center, Suite 320, 1215 Race Street, New Castle, IN 47362.

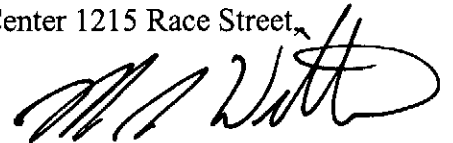
A paper copy of the proposed amended local rule for Caseload Allocation Plan will be made available for viewing in the office of the Clerk of Henry County, Justice Center 1215 Race Street, New Castle, IN 47362, during normal business hours.



Mary G. Willis, Judge
Circuit Court




Michael D. Peyton, Judge
Superior Court 1



Bob A. Witham, Judge
Superior Court 2

IN THE MATTER OF)
)
REQUEST FOR APPROVAL)
)
OF LOCAL RULES)
)
FOR HENRY COUNTY COURTS)


Michael D. Peyton, Judge, Henry Superior Court 1

LR33-AR00-01 COUNTY CASELOAD ALLOCATION PLAN

01-10 The Circuit and Superior Courts of Henry County have adopted a rule for criminal random filing (LR33-CP00-1). While it is the intent to allow the citizens and bar to have flexibility in filing all other types of cases, the Courts now adopt this rule setting forth certain limitations on filing in order to comply with Indiana Supreme Court Administrative Rule 1(C). This rule shall be subject to the family court rules in existence for filing and transfer of cases.

01-20 All small claims shall be file in Superior Court 2.

01-30 All delinquency and CHINS cases shall be filed in Circuit court and Superior Court 1.

01-40 Dissolution of marriage and paternity actions shall be filed in Circuit Court or Superior Court 1. Pro-se dissolution of marriage actions shall be filed alternately in Circuit Court and Superior Court 1. Paternity actions filed by the prosecuting attorney shall be filed in such a manner as to approximate an equal division of such cases between Circuit Court and Superior Court 1.

01-50 Protective order actions shall be assigned by the Clerk in such a manner as to approximate an equal division of such cases between Circuit Court and Superior Court 1 except that protective orders involving cases where the parties in the protective order case are involved in a dissolution of marriage, paternity or prior protective order action in this county, the protective order case shall be filed in the same court where the dissolution, paternity or prior protective order case is pending. Existing protective order cases shall be transferred to the court where any dissolution of marriage or paternity action is later filed involving the same parties. If a protective order application is denied then all further applications for a protective order involving the same parties shall be filed in the same court and shall note on the application the cause number of the previously denied application.

01-60 The judges of Henry Circuit and Superior Courts shall meet at least annually for the purpose of reviewing the weighted caseload of each court or at any other time as may be necessary to comply with the orders of the Indiana Supreme Court.

LR33-CP00-1 CRIMINAL CASE ASSIGNMENT

All misdemeanors cases not filed in Knightstown Town Court and involving misdemeanors only shall be filed in Henry Superior Court No. 2, except that all cases of invasion of privacy involving protective orders issued by a Henry County Court shall be filed in the court which issued the protective order. All Class D felonies shall be filed in Henry Superior Court No. 2 except the following:

1. Neglect of a dependent and offenses against the family under I.C. 35-46-1-1 et. seq.

2. Felony non-support, I.C. 35-46-1-5
3. Welfare fraud, I.C. 35-43-5-7
4. Failure to Register as a Sex Offender, I.C. 5-2-12-9; and
5. Theft, D Felony where value of property exceeds \$10,000.00, I.C. 35-43-4-2

All Class A, B, C, and D Felonies outlined above shall be filed randomly in Henry Circuit Court or Henry Superior Court No. 1. The case shall be assigned according to the highest class charge. Felony cases filed against other defendants arising out of the same fact situation which are joinable by law shall be filed in the same court.

All homicide cases shall be filed alternately in Henry Circuit Court and Henry Superior Court No. 1. The first such homicide shall be filed in Henry Circuit Court with the second in Henry Superior Court No. 1 alternating thereafter. The order of filing shall continue on an alternate basis according to the existing rule in effect prior to the adoption of these rules.

In the event that a filing in Henry Superior Court No. 2 causes the Judge in that Court to believe that the matter cannot be tried within 3 days or less, then that Judge shall have the option of causing that case to be reassigned to either Henry Circuit Court or Henry Superior Court No. 1. The case to be reassigned will be sent to the Henry County Clerk's office for reassignment based upon the random manner set forth herein.

The Henry County Clerk shall maintain a lottery system using pieces of paper or other devices by which certain designations for Henry Circuit Court and Henry Superior Court No. 1 shall be placed thereon. The Clerk shall cause an equal number of pieces of paper or other devices to be placed in a container. At the time a case is filed or reassigned requiring that the Court be selected randomly, the Clerk or the Clerk's representative shall pull out of the container one piece of paper or other device and assign the case to the Court designated on the paper or other device pulled out by the Clerk or the Clerk's representative. Due to the random nature of such a system, it may become necessary for the undersigned Judges to adjust the number of pieces of paper or devices in the Clerk's container.

Once a case has been assigned in accordance with the provisions set out herein, the case cannot be assigned to another judge by dismissal and refile if the second filing is based on the same underlying incident.